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Attorneys for Plaintiff/Counter-Defendant
MONTEREY MUSHROOMS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MONTEREY MUSHROOMS, INC.,

Plaintiff,

vs.

TRAVELERS PROPERTY CASUALTY
COIMpany OF AMERICA; THE
TRAVELERS LLOYDS INSURANCE
COMPANY; and DOES 1 through 100
(INCLUSIVE),

Defendants.

CASE NO: 5:09-cv-02501-JW

**STIPULATED ORDER AMENDING CASE
SCHEDULE IN SCHEDULING ORDER**

THE TRAVELERS LLOYDS
INSRUANCE COMPANY,

Counter-Claimant,

vs.

MONTEREY MUSHROOM, INC.

Counter-Defendant.

IT IS HEREBY STIPUALTED by and between the parties to this action that good cause appears to amend the CASE SCHEDULE set forth in the Court's October 15, 2009 SCHEDULING ORDER. The grounds for this stipulated order are that the parties have diligently

1 been working toward a mediated resolution of this coverage dispute through the services of
 2 JAMS mediator Judge Richard Silver (Ret.). His mediation efforts have been ongoing
 3 continuously since December 17, 2009, and included a second session on February 17, 2010. It
 4 was during that session that the parties agreed that in order to have fruitful settlement discussions,
 5 the two sides needed to come to some agreement on the range, if not the actual amount of
 6 damages. Consequently, the parties agreed that their respective CPA's would meet at Plaintiffs
 7 facility in Texas to review documents and meet with on site personnel, and thereafter meet and
 8 confer in an effort to reach agreement on the amount of Plaintiff's Hurricane Ike damage claims.
 9 That process was lengthy and finished up on or about May 25, 2010. As a result the parties agree
 10 that the total amount of damage exceeds \$3.65 Million Dollars. Since that time, Judge Silver has
 11 been in constant telephone contact with the parties attempting to settle the case. This ongoing
 12 process has resulted in an agreement by the parties to attend a final mediation session in
 13 Monterey on the first available date on Judge Silver's calendar, July 7, 2010.

14 Because of Judge Silver's ongoing efforts, combined with the work being done by the
 15 CPA's, the parties agreed to refrain from the time and expense of litigation. The parties have
 16 agreed that if the case does not settle at the July 7, 2010 mediation, depositions begin the
 17 following day on July 8, 2010.

18 In light of these facts, the parties agree, and hereby stipulate that the court may amend the
 19 CASE SCHEDULE by continuing all existing deadlines by no less than 60 days to new dates that
 20 are convenient with the Court's schedule. This includes continuing the following currently
 21 scheduled deadlines:

22 June 14, 2010	Disclosure of Expert Witnesses (63 days before discovery closes)
23 July 2, 2010	Preliminary Pretrial Conference Statements
24 July 12, 2010	Preliminary Pretrial Conference

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August 16, 2010 Close of Discovery

October 18, 2010 Last Date to Hear Dispositive Motions

Dated: June 11, 2010

WILLOUGHBY, STUART & BENING

By: _____/s/
Alexander F. Stuart
Ronald J. Cook
Attorneys for Plaintiff/Counter-Defendant
MONTEREY MUSHROOMS

Dated: June 11, 2010

BULLIVANT HOUSER BAILEY

By: _____/s/
SAMUEL H. RUBY
Attorneys for Defendants
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA and THE
TRAVELERS LLOYDS INSURANCE
COMPANY

I hereby attest that I have on file all holograph signatures for any signatures indicated by a
“conformed” signature (/s/) within this efiled document.

STIPULATED ORDER

IT IS HEREBY ORDERED that based on the stipulation of the parties, the CASE
SCHEDULE in the SCHEDULING ORDER in this action is hereby amended to extend the
deadlines set forth therein to the following dates:

August 30, 2010 Disclosure of Expert Witnesses (63 days before discovery closes)

September 3, 2010 Preliminary Pretrial Conference Statements

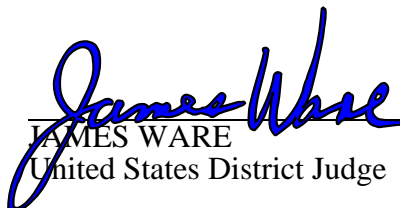
September 13, 2010 Preliminary Pretrial Conference

November 1, 2010 Close of Discovery

December 13 2010 Last Date to Hear Dispositive Motions

1 All other rules and orders set forth in the SCHEDULING ORDER that are not impacted by the
2 new dates shall remain the same.

3 Dated: June 11, 2010

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5 JAMES WARE
6 United States District Judge
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